

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SIMO HOLDINGS INC.

Plaintiff,

v.

**Civil Action No.: 1:18-cv-5427 (JSR)**

HONG KONG UCLOUDLINK  
NETWORK TECHNOLOGY LIMITED,  
AND UCLOUDLINK (AMERICA), LTD.

Defendants.

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**PLAINTIFF SIMO HOLDINGS, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF ITS BRIEF EXPLAINING IN TECHNICAL DETAIL WHY,  
NOTWITHSTANDING DEFENDANTS' REPRESENTATIONS,  
DEFENDANTS ARE NOT COMPLYING WITH THE INJUNCTION**

Plaintiff SIMO Holdings Inc. respectfully submits this Notice of Supplemental Authority in Support of its Brief Explaining in Technical Detail Why, Notwithstanding Defendants' Representations Defendants are Not Complying with the Injunction (SIMO's "Supplemental Authority" to its "Injunction Compliance Brief")<sup>1</sup>.

After this Court issued its September 30, 2019 Order regarding uCloudlink's motion for clarification and modification of this Court's injunction (Dkt. 273), uCloudlink sought an emergency stay of the injunction pending from the Court of Appeals for the Federal Circuit (uCloudlink's "Emergency Stay Motion"). SIMO opposed that motion as procedurally improper because (1) uCloudlink had not sought a stay in the District Court and (2) uCloudlink had not shown that requesting a stay would be impracticable because this Court had already set forth the procedure for the parties to determine whether modification of the injunction was appropriate.<sup>2</sup> On November 6, 2019, the day before uCloudlink filed its response to SIMO's Injunction Compliance Brief (Dkt. 287), the Federal Circuit issued its Order on uCloudlink's Emergency Stay Motion (the "Emergency Stay Order"). Dkt. 290. The Federal Circuit refused to issue a stay because (1) uCloudlink had not requested a stay, and (2) the question of modification of the injunction remains open and subject to this Court's order permitting uCloudlink to present evidence that would justify such modification.

The Emergency Stay Order supports SIMO's position that the District Court's injunction: (1) remains in effect as originally ordered; (2) currently applies to the sale and enablement of the use of all of devices specified in the injunction order; and (3) applies to all such activity unless and

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<sup>1</sup> SIMO's Injunction Brief is Docket Entry 292.

<sup>2</sup> This Court's September 30, 2019 order instructs the parties to agree to discovery and engage in briefing regarding uCloudlink's design-around. Dkt. 273.

until uCloudlink presents sufficient evidence to convince the Court to alter the scope of the presently governing injunction.

Moreover, the Emergency Stay Order confirms that the Court's September 30, 2019 Order requiring discovery and briefing is "appropriate to determine the parties' dispute over application of the injunction to uCloudlink's redesign products."<sup>3</sup> Dkt. 290 at 2.

Date: November 8, 2019

/s/ Matthew J. Weldon

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**ATTORNEYS FOR PLAINTIFF  
SIMO HOLDINGS INC.**

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<sup>3</sup> Pursuant to this Court's September 30, 2019 Order, the parties are continuing to discuss the discovery and briefing on this very issue (Dkt. 273) and will promptly update the Court when they are able to do so.